

Application No. 10/623,321

Title: SEQUENTIALLY PLACED SHIPPING AND PACKING LABEL SYSTEM
Amendment

Remarks

Claims 1-25, 27-35 and 37-43 remain in this application and new claims 44-51 have been added by amendment. Applicant respectfully requests examination and allowance of all of the claims now pending in this application.

As a preliminary matter, it was noted that the Action was slightly in error in that claims 8 and 13 were indicated as being rejected, but no specific rejection had been lodged. Accordingly, the Examiner was contacted, and Applicant was advised that claim 8 should have been rejected under numbered paragraph 2 of page 6 of the Action, whereas claim 13 should have been rejected under numbered paragraph 5 of page 9 of the Action. In light of this advice, Applicant has considered claims 8 and 13 rejected in this manner.

As a further preliminary issue, attached hereto is an executed Terminal Disclaimer, which fully obviates the double patenting rejection of numbered paragraph 1, page 3 of the Action.

By way of summary review, the Examiner will note that the independent claims are ordered and constituted as follows:

Independent claim 1 has been amended;

Independent claim 8 has been amended;

Independent claim 17 has been amended;

Independent claim 25 has been amended to include the limitations of original claim 26, thereby rendering the claim allowable;

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Independent claim 34 has been amended to include the limitations of original claim 36, thereby rendering the claim allowable;

New independent claim 44 includes all of the limitations of original claims 1, 2, 3, and 4 and is therefore allowable;

New independent claim 45 includes all of the limitations of original claims 1, 2, 3, and 5 and is therefore allowable;

New independent claim 46 includes all of the limitations of original claims 1 and 6 and is therefore allowable;

New independent claim 47 includes all of the limitations of original claims 1 and 7 and is therefore allowable;

New independent claim 48 includes all of the limitations of original claims 8 and 9 and is therefore allowable; and

New independent claim 49 includes all of the limitations of original claims 17 and 18 and is therefore allowable.

As is readily apparent from the foregoing summary, independent claims 25, 34 and 44-49 are allowable in light of the Examiner's comments in paragraph 7, page 11 of the Action, and further in view of the attached Terminal Disclaimer. Therefore, these independent claims, and the claims dependent therefrom, need not be further discussed. Therefore, independent claims 1, 8 and 17 will be discussed in detail.

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Turning first to independent claims 1 and 8 (which have been amended identically), the Examiner will note that the packing list is defined as bearing "customer and packing list information," and having a surface area. Moreover, the shipping label is defined as including a face side "bearing customer address information," and also having a surface area. The claim further recites that the shipping label is placed atop the packing list and with a segment of the shipping label "over said customer and packing list information." Finally, the claim calls for the shipping label surface area to be greater than the packing list surface area, and with the segment of the shipping label being imperforate to hide the customer and packing list information on the packing list.

The art of record does not anticipate or render obvious the structure claimed in claims 1 and 8. First of all, original claim 1 was rejected as being obvious in view of the references to Murray in view of Bartl. Murray describes a document mailer including a document enclosure with a return receipt form detachably secured to the enclosure. The reference also describes an embodiment wherein a certified mail receipt is secured atop the return receipt form. Presumably, the rejection based upon Murray is predicated upon the disclosure of the return receipt with an overlying certified mail receipt. However, it will be noted that the certified mail receipt of Murray is of a smaller surface area as compared with the underlying return receipt form. This is precisely the opposite of the presently claimed combination wherein the shipping label is applied over the packing list and the shipping label has a surface area *greater than* the surface area of the packing list. Thus, the claimed combination is precisely the opposite of the Murray arrangement.

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The Bartl reference describes a packing list design wherein the underlying packing list contains customer address information as well as packing list information. The upper sheet atop the packing list is provided with a see-through window so that the customer address information can be seen. Thus, Bartl's outer sheet does not include any customer address information. In sharp contrast, claims 1 and 8 recite that the shipping label is separate and discreet from the packing list and has a face side "bearing customer address information." Moreover, these claims recite that the shipping label has a segment over the customer and packing list information on the packing list, and wherein this segment is imperforate to hide the customer and packing list information. Here again, this claimed construction is contrary to the teachings of Bartl; indeed, the claimed structure is opposite that of Bartl.

The Examiner also considers claim 8 to be anticipated by Bartl. Such rejection cannot stand in light of the present amendment. In particular, Bartl does not have a shipping label positioned atop a packing list wherein the face side of the shipping label bears customer address information, and further does not provide a segment of the shipping label covering the customer and packing list information.

In sum, the references do not individually or collectively teach or suggest the claimed label system or combination. For example, if the small certified mail receipt of Murray was used in lieu of Bartl's outer cover sheet, the customer information and packing list information would not be hidden as claimed. Clearly, claims 1 and 8, and all claims dependent therefrom, are allowable over the art.

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Claim 17 is directed to a label system including a first sheet having a front side bearing imprinted information, with the first sheet margin defining a surface area. A second sheet separate and distinct from the first sheet is also provided, with the edges of the second sheet defining a second sheet surface area. The second sheet is atop the first sheet and has a segment thereof over "all of said imprinted information" on the first sheet front side. Finally, the claim recites that the shipping label surface area is greater than the packing list surface area with the second sheet segment being imperforate to hide "all of said imprinted information" on the first sheet.

Claim 17 as amended distinguishes the Bartl reference. As noted previously, the second or outer sheet of Bartl includes a see-through window, and thus does not provide a segment of the second sheet which is imperforate so as to hide all of the imprinted information on the first sheet. The Murray reference, although applied against claim 17, is likewise inapposite. In Murray, the second sheet (i.e., the certified mail form) is of lesser surface area than the underlying return receipt form.

Is short, independent claims 1, 8 and 17 have been amended to structurally define patentable subject matter distinct from the art of record. Allowance of all claims is therefore in order, and such favorable action is solicited.

As a further note, applicant has added new claims 50 and 51 which respectively depend from claims 1 and 17. Support for these claims may be found in the drawing of Fig. 5 and the specification describing the optional return label 18. As shown in Fig. 5, an optional return label is positioned below and covered by the larger packing list 14, and thus these additional dependent

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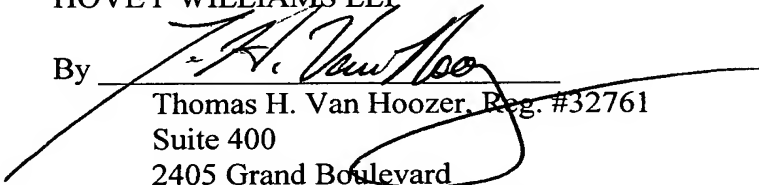
claims are supported by the specification and drawings and should be allowed together with the base claims from which they depend.

Should any additional fee be necessitated by this amendment beyond the check covering the additional claims submitted herewith, the Office may charge Deposit Account 19-0522. Any issues which may be resolved by a telephone conference may be addressed to the undersigned at 1-800-445-3460.

Respectfully submitted,

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By



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(Docket No. 31536 DIV-1)